

Union Calendar No. 244

114TH CONGRESS
1ST SESSION

H. R. 3361

[Report No. 114-321]

To amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. KING of New York (for himself, Mr. HIGGINS, Mr. BARLETTA, Mr. KATKO, and Mr. DONOVAN) introduced the following bill; which was referred to the Committee on Homeland Security

NOVEMBER 2, 2015

Additional sponsor: Mr. McCaul

NOVEMBER 2, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 29, 2015]

A BILL

To amend the Homeland Security Act of 2002 to establish
the Insider Threat Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Department of Home-*
5 *land Security Insider Threat and Mitigation Act of 2015”.*

6 **SEC. 2. ESTABLISHMENT OF INSIDER THREAT PROGRAM.**

7 *(a) IN GENERAL.—Title I of the Homeland Security*
8 *Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding*
9 *at the end the following new section:*

10 **“SEC. 104. INSIDER THREAT PROGRAM.**

11 *“(a) ESTABLISHMENT.—The Secretary shall establish*
12 *an Insider Threat Program within the Department. Such*
13 *Program shall—*

14 *“(1) provide training and education for Depart-*
15 *ment personnel to identify, prevent, mitigate, and re-*
16 *spond to insider threat risks to the Department’s crit-*
17 *ical assets;*

18 *“(2) provide investigative support regarding po-*
19 *tential insider threats that may pose a risk to the De-*
20 *partment’s critical assets; and*

21 *“(3) conduct risk mitigation activities for in-*
22 *sider threats.*

23 *“(b) STEERING COMMITTEE.—*

24 *“(1) IN GENERAL.—The Secretary shall establish*
25 *a Steering Committee within the Department. The*

1 *Under Secretary for Intelligence and Analysis shall*
2 *serve as the Chair of the Steering Committee. The*
3 *Chief Security Officer shall serve as the Vice Chair.*
4 *The Steering Committee shall be comprised of rep-*
5 *resentatives of the Office of Intelligence and Analysis,*
6 *the Office of the Chief Information Officer, the Office*
7 *of the General Counsel, the Office for Civil Rights and*
8 *Civil Liberties, the Privacy Office, the Office of the*
9 *Chief Human Capital Officer, the Office of the Chief*
10 *Financial Officer, the Federal Protective Service, the*
11 *Office of the Chief Procurement Officer, the Science*
12 *and Technology Directorate, and other components or*
13 *offices of the Department as appropriate. Such rep-*
14 *resentatives shall meet on a regular basis to discuss*
15 *cases and issues related to insider threats to the De-*
16 *partment's critical assets, in accordance with sub-*
17 *section (a).*

18 “(2) *RESPONSIBILITIES.*—Not later than one
19 *year after the date of the enactment of this section, the*
20 *Under Secretary for Intelligence and Analysis and the*
21 *Chief Security Officer, in coordination with the Steer-*
22 *ing Committee established pursuant to paragraph (1),*
23 *shall—*

24 “(A) *develop a holistic strategy for Depart-*
25 *ment-wide efforts to identify, prevent, mitigate,*

1 *and respond to insider threats to the Department’s critical assets;*

3 “(B) develop a plan to implement the insider threat measures identified in the strategy developed under subparagraph (A) across the components and offices of the Department;

7 “(C) document insider threat policies and controls;

9 “(D) conduct a baseline risk assessment of insider threats posed to the Department’s critical assets;

12 “(E) examine existing programmatic and technology best practices adopted by the Federal Government, industry, and research institutions to implement solutions that are validated and cost-effective;

17 “(F) develop a timeline for deploying workplace monitoring technologies, employee awareness campaigns, and education and training programs related to identifying, preventing, mitigating, and responding to potential insider threats to the Department’s critical assets;

23 “(G) require the Chair and Vice Chair of the Steering Committee to consult with the Under Secretary for Science and Technology and

1 other appropriate stakeholders to ensure the In-
2 sider Threat Program is informed, on an ongoing
3 basis, by current information regarding
4 threats, beset practices, and available technology;
5 and

6 “(H) develop, collect, and report metrics on
7 the effectiveness of the Department’s insider
8 threat mitigation efforts.

9 “(c) REPORT.—Not later than two years after the date
10 of the enactment of this section and the biennially thereafter
11 for the next four years, the Secretary shall submit to the
12 Committee on Homeland Security and the Permanent Se-
13 lect Committee on Intelligence of the House of Representa-
14 tives and the Committee on Homeland Security and Gov-
15 ernmental Affairs and the Select Committee on Intelligence
16 of the Senate a report on how the Department and its com-
17 ponents and offices have implemented the strategy developed
18 under subsection (b)(2)(A), the status of the Department’s
19 risk assessment of critical assets, the types of insider threat
20 training conducted, the number of Department employees
21 who have received such training, and information on the
22 effectiveness of the Insider Threat Program, based on
23 metrics under subsection (b)(2)(H).

24 “(d) DEFINITIONS.—In this section:

1 “(1) *CRITICAL ASSETS.*—The term ‘critical as-
2 *sets’ means the people, facilities, information, and*
3 *technology required for the Department to fulfill its*
4 *mission.*

5 “(2) *INSIDER.*—The term ‘insider’ means—

6 “(A) *any person who has access to classified*
7 *national security information and is employed*
8 *by, detailed to, or assigned to the Department,*
9 *including members of the Armed Forces, experts*
10 *or consultants to the Department, industrial or*
11 *commercial contractors, licensees, certificate*
12 *holders, or grantees of the Department, including*
13 *all subcontractors, personal services contractors,*
14 *or any other category of person who acts for or*
15 *on behalf of the Department, as determined by*
16 *the Secretary; or*

17 “(B) *State, local, tribal, territorial, and*
18 *private sector personnel who possess security*
19 *clearances granted by the Department.*

20 “(3) *INSIDER THREAT.*—The term ‘insider
21 *threat’ means the threat that an insider will use his*
22 *or her authorized access, wittingly or unwittingly, to*
23 *do harm to the security of the United States, includ-*
24 *ing damage to the United States through espionage,*
25 *terrorism, the unauthorized disclosure of classified na-*

1 *tional security information, or through the loss or*
2 *degradation of departmental resources or capabilities.”.*

4 *(b) CLERICAL AMENDMENT.—The table of contents of*
5 *the Homeland Security Act of 2002 is amended by inserting*
6 *after the item relating to section 103 the following new item:*

“Sec. 104. Insider Threat Program.”.

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